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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,965

08/18/2006

Hiroyuki Sekine

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EXAMINER

ROST, ANDREW J

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

05/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,965	Applicant(s) SEKINE, HIROYUKI	
	Examiner Andrew J. Rost	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/20/2008, 8/18/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fluid pump being provided between the first filter means and the flexible portion (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al. (5,733,441).

Regarding claim 1, Ko et al. disclose a fluid supply device having a flexible portion (16a), a first filter (13) on the upstream side of the flexible portion, a second filter (18) downstream of the flexible portion, and a pressurizing means (pump 12) wherein the first filter is provided between the pressurizing means and the flexible portion (figure 2).

In regards to claim 4, Ko et al. disclose the flexible portion to be a bellows pipe (col. 2, line 51).

In regards to claim 5, Ko et al. disclose the pressurizing means to be a fluid pump (air pump 12, col. 2, line 49).

Regarding claims 12 and 13, Ko et al. disclose a structure of a fluid supply system that is capable of being used in a fuel gas supply system. The recitation of “incorporating the fluid supply device according to claim 1 in a reaction gas supply system” (claim 12, lines 1-2) is an intended use recitation and given little patentable weight.

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4. Claims 1, 3, 5-7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshioka (5,988,213).

Regarding claim 1, Yoshioka discloses a fluid supply device having a flexible portion (rubber hose 24), a first filter means (8) upstream of the flexible portion, a second filter means (30) downstream of the flexible portion (downstream of the first of two flexible portions 24) and a pressurizing means (pump 7) that pressurizes fluid taken in from the upstream side and is provided on the upstream side of the flexible portion and wherein the first filter means (8) is provided within the pressurizing means (filter 8 is taken to a part of the pump 7).

In regards to claim 3, Yoshioka discloses the first filtering means (8) to filter the fluid before the fluid enters the fluid pump and the second filtering means (30) contains a filter 34) to be a paper filter (col. 3, lines 60-67) wherein the filter accuracy of the filters is different with the second filtering means concerned with the filtering of materials to prevent the blockage of a valve (35).

In regards to claim 5, Yoshioka discloses the pressurizing means to be a fluid pump (7).

Regarding claim 6, Yoshioka discloses a fluid supply device having a flexible portion (rubber hose 24 disposed downstream of the filter 30 and the check valve 35), a first filter means (8) and a deposition suppression means (check valve 35) that is provided between the first filter means and the flexible portion (figure 3).

In regards to claim 7, Yoshioka discloses the deposition suppression means is a flow varying means that varies the flow of fluid introduced into the flexible portion (the

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check valve 35 varies the flow of fluid into the rubber hose 24 as the pressures within the flow passage are varied).

In regards to claims 10 and 11, Yoshioka discloses a fluid pump (7) that is provided between the first filter means (8) and the flexible portion (24) wherein the first filter means (8) is provided within the pressurizing means (filter 8 is taken to a part of the pump 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka (5,988,213).

Yoshioka discloses a fluid supply device having a portion (14), a first filter means (8) and a deposition suppression means (fuel cock 18) that is provided between the first filter means and the flexible portion (figure 8) wherein the deposition suppression means is a flow varying means that varies the flow of fluid introduced into the portion with the flow varying means being a shutoff valve. Yoshioka does not expressly disclose the portion (14) to be flexible. However, Yoshioka teaches the use of various sections along the flow path (9, 24) to be constructed as rubber hoses. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to provide the portion (14) as a rubber hose in order to provide a flexible connection between flow sections so that shifts of the system would not break the flow path (10) and rupture the tank (1).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka (5,988,213) in view of Murakoshi et al. (6,206,037).

Yoshioka discloses a fluid supply device having a flexible portion (rubber hose 24 disposed downstream of the filter 30 and the check valve 35), a first filter means (8) and a deposition suppression means (check valve 35) that is provided between the first filter means and the flexible portion (figure 3). Yoshioka does not disclose the flexible portion (rubber hose 24) to be a bellows-shaped pipe. However, Murakoshi et al. teach the use of bellows-shaped pipes (18) in the connection of components in a fluid pump system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the flexible portion (rubber hose) of Yoshioka as a bellows-shaped pipe as taught by Murakoshi et al. in order to provide an increase in flexibility of the flexible portion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:00 - 4:30 M-Th and 7:00 - 12:00 Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. J. R./
Examiner, Art Unit 3753

/John Rivell/
Primary Examiner, Art Unit 3753